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U.S. FOOD AND DRUG ADMINISTRATION

NEW YORK DISTRICT
850 THIRD AVENUE, BROOKLYN, NEW YORK 11232 M 867 N

Telephone: [718] 340-7000 [Ext 5301]

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles A. Kratt, Jr., Vice President
Respiratory Science Industries, Inc.
1325 M Street
Elmont, NY 11003

April 28, 1997

Ref: 50-NYK-97

Dear Mr. Kratt:

During an inspection of your compressed medical oxygen facility conducted on April 7, 8, and 11, 1997, our investigator documented deviations from the Current Good Manufacturing Practice Regulations (Title 21, Code of Federal Regulations, Parts 210 and 211) with respect to your transfilling of oxygen, USP into high pressure cylinders. These deviations cause your drug product to be adulterated within the meaning of Section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act ("the Act"). These deviations include, but are not limited to, the following:

1. Failure to test each lot of incoming oxygen to determine conformance with appropriate specifications for identity and strength. In addition, your firm does not receive a valid certificate of analysis from your oxygen supplier.

2. Failure to properly calibrate your oxygen analyzer according to the manufacturer's directions. For example, the instrument was not routinely calibrated to 21 percent with air introduced by a squeeze bulb aspirator. The transfilling supervisor and other personnel had no knowledge of this calibration step nor did the firm have the required squeeze bulb. Further, there was no documentation of the routine inspection and maintenance/changing of the instrument's filter and there was no certificate of analysis received for the reference standard gas used to calibrate the instrument.

3. Failure to perform adequate prefill operations on each high pressure cylinder, prior to filling. For example, there was no documentation of any prefill odor test, dead ring test on steel cylinders, hydrostatic test date check, labeling check, visual inspection, vacuum (equal to 25 or more inches of mercury), etc.

4. Failure to assay the filled high pressure cylinders of oxygen for identity and strength prior to release. For example, the firm was not testing at least one representative cylinder from each manifold filling sequence for strength and identity. Further, there was no documentation of the serial numbers of the tested cylinders.

5. Failure to assure that personnel engaged in the transfilling of oxygen have training in the particular operations the employee performs and in the current good manufacturing practice regulations as they relate to the employee's function.

6. Failure to routinely calibrate the thermometer and pressure gauges used in the transfilling operations.

7. Failure to have any filling/testing records for the month of February 1997. Further, filling testing records for March 18, 20, 31, and April 1, 1997 were not reviewed, signed, and dated.

The transfilled oxygen, USP is also misbranded within the meaning of Section 502(g) of the Act in that its labeling fails to indicate whether or not the oxygen has been produced by the air-liquefaction process as required by the United States Pharmacopeia. It is further misbranded [§502(b)(2)] in that its labeling fails to contain a statement of the quantity of the contents and [§502(f)(1)] in that it is a prescription drug and its labeling fails to bear adequate directions for use in accordance with 21 CFR 201.100(c).

Neither this letter nor the list of observations (Form FDA 483) that was presented to you at the conclusion of the inspection are meant to be an all-inclusive list of deficiencies at your firm. It is your responsibility to ensure adherence with each requirement of the Act and its regulations. Federal agencies are advised of the issuance of all warning letters about drugs so that they may take this information into account when considering the award of contracts.

You should take prompt action to correct these violations. Failure to promptly correct these violations may result in regulatory action without further notice. Possible actions include seizure and/or injunction.

You should notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violations, including an explanation of each step being taken to prevent the recurrence of similar violations. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time within which the corrections will be completed.

Your reply should be sent to the Food and Drug Administration, 850 Third Avenue, Brooklyn, NY 11232, Attention: Bruce A. Goldwitz, Compliance Officer.

Sincerely,

Jerome G. Woyshner
Acting District Director

Attachment: FDA 483 dated April 11, 1997